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the Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: FIVE ARCHITECTURAL DRAWINGS :
OF THE STARA SYNAGOGUE ON :
WOLBORSKA STREET IN LODZ (POLAND) :
BY ADOLF ZELIGSON, :
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Defendant-in-Rem. :
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STIPULATION AND ORDER

19 Misc.

WHEREAS, the United States Department of Homeland Security, Homeland Security Investigations ("HSI") and the United States Attorney's Office for the Southern District of New York ("USAO") have determined the following facts:

- (a) On December 17, 2008, Sotheby's sold Lot 37, which consisted of "Five Architectural Drawings of the Stara Synagogue in Lodz, Warsaw: Adolf Zeligson, 1896" (the "Drawings"). The Drawings were made on paper using ink and watercolor, and they depict the interior, exterior facades, and floor plans of the Stara Synagogue.
- (b) The Drawings were originally part of a larger set of architectural drawings of the Stara Synagogue in Lodz, Warsaw made in around 1896 by Zeligson, a prominent architect in Lodz (the "Original Set"). Zeligson created the Original Set in connection with significant renovations that were made to the Stara Synagogue, which was originally built in 1809 and then moved into a new building in or about

1859 and 1861. The renovations undertaken by Zeligson began in around 1897. Later, the Stara Synagogue was burned down in or about 1939 during the Nazi occupation of Poland, and no trace of the Stara Synagogue remains.

- (c) In or about 1999, the Drawings were stolen from the Original Set, which were, and continue to be, housed at a Polish State Archive in Lodz (the "Polish State Archive"). The identity of the thief or thieves remains unknown.
- (d) On December 17, 2008, in a sale conducted in New York, New York, Sotheby's sold the Drawings to Meredith Berkman and Daniel Mintz.
- (e) On May 30, 2016, a police report (the "Police Report") was filed in Poland by the Polish National Police Headquarters, Criminal Investigations Bureau (the "Polish National Police"), regarding the theft of the Drawings.
- (f) In May 2018, the Polish National Police informed HSI of the theft of the Drawings, and in June 2018, the Polish National Police provided HSI with the Police Report.
- (g) On December 12, 2018, special agents with HSI visited Ms. Berkman and Mr. Mintz at their home and explained that the Drawings had been stolen from the Polish State Archive in or about 1999 by an unknown thief or thieves. Ms. Berkman and Mr. Mintz have voluntarily turned over all the Drawings to HSI.

WHEREAS, Ms. Berkman and Mr. Mintz have fully cooperated with the USAO and HSI and wish to continue to do so by having the Drawings returned to the Polish State Archive, and have further agreed to voluntarily relinquish any right, title, and interest that they may have in the Drawings without prejudice to any claims they may have against Sotheby's;

WHEREAS, the USAO, HSI, Ms. Berkman, and Mr. Mintz have agreed that the Drawings should be returned, through the USAO and HSI, to the Polish State Archive;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, as follows:

1. Meredith Berkman and Daniel Mintz voluntarily relinquish all right, title, and interest they, or either of them, may have in the Drawings, to allow for its return, through the USAO and HSI, to the Polish State Archive.

2. Following the entry of this Stipulation and Order, the United States shall return the Drawings to the Polish State Archive.

3. This Stipulation and Order is not intended to and shall not have any effect upon any claim, counter-claim or defense that Meredith Berkman and/or Daniel Mintz may assert to any claim brought by them individually or collectively against Sotheby's regarding the Drawings. Nothing in this Stipulation and Order shall waive any claim, defense or remedy, in law or in equity, that Meredith Berkman and/or Daniel Mintz may have individually or collectively against Sotheby's with respect to the Drawings, and all such rights of Meredith Berkman and/or Daniel Mintz are hereby reserved.

4. Meredith Berkman and Daniel Mintz are hereby barred from asserting any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the USAO, HSI, or any agents, contractors, or employees of the USA, DOJ, USAO, or HSI in connection with the return of the Drawings, including, but not limited to, costs, attorney's fees, or interest.

5. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of Meredith Berkman and/or Daniel Mintz, and the United States stipulates that Meredith Berkman and Daniel Mintz, at the time of their purchase, were unaware of the theft of the Drawings, and since being advised of the theft have fully cooperated to ensure that the Drawings are returned to their rightful owner, the Polish State Archive.

6. The signature page of this Stipulation and Order may be executed in one or more

counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Faxed, scanned and emailed copies shall be treated as originals.

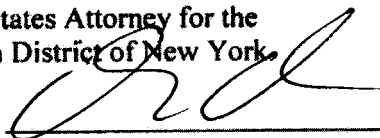
7. Each party shall bear its own costs and attorney's fees.

8. The parties hereby waive all rights to challenge or contest the validity of this Stipulation and Order.

9. This Stipulation and Order represents the complete agreement of the parties and cannot be amended without the express written consent of all the parties to this Stipulation and Order.

Agreed and consented to:
GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:




Andrew Adams
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel: (212) 637-2340

6/12/2019
Date

MEREDITH BERKMAN

By:



Meredith Berkman

May 23, 2019
Date

DANIEL MINTZ

By:



Daniel Mintz

May 20, 2019
Date

SO ORDERED:

United States District Judge
Southern District of New York
Part I

Date